

Notice of Allowability

Application No.

10/649,569

Examiner

Tam Nguyen

Applicant(s)

CURTIS, JAMES

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to 6-2-05.
2. ☒ The allowed claim(s) is/are 1.
3. ☒ The drawings filed on 9/9/03 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James Curtis on July 27, 2005.

1. The application has been amended as follows:

Claims 2-9 are cancelled.

In claim 1, delete lines 1-11 and insert

--1. An exercise apparatus comprising:

a substantially conventional upholstered recliner-type chair having a base

portion, a seat portion, a backrest portion, a pair of left and right armrest

portions, a footrest having an underside portion and a footrest support

structure that is selectively extendable to position the footrest in a forward

position and retractable to position the footrest in a stowed position;

a leg exercising station mechanically coupled to the underside portion of the

footrest and adapted to allow a user to perform a leg exercise, the leg

exercising station including a pedal assembly having a pair of pedals

configured for rotational movement, a dampening mechanism adapted to

adjustably resist the rotational movement of the pedals and a floor support

adapted to unfold so as to extend between the pedal assembly and an

underlying floor surface when the foot rest support structure is extended and the pedal assembly is in use and fold up to retract within the base portion of the chair when the footrest support structure is retracted; and an arm exercise station having reciprocating handles associated with the arm rest portions and adapted to allow a user to perform an arm exercise; wherein when exercise is desired, the footrest support structure is extended, the floor support unfolds downwardly and forwardly to provide a supplementary support structure for the footrest and pedal assembly and then the footrest is pivoted upwardly and forwardly to raise up the pedal assembly via a short chain that is connected at one end to the underside portion of the foot rest and connected at the other end to a portion of the pedal assembly such that the forward pivot of the footrest automatically raises the pedal assembly so that the user can exercise by rotating the pedals and/or moving the handles.--

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

2. In view of the applicant's amendments and after further consideration of the invention, the claim as presented avoids the prior art of record. The prior art does not disclose an exercise apparatus comprising a substantially conventional upholstered recliner-type chair that includes a footrest having an underside portion and a footrest support structure that is selectively extendable to position the footrest in a forward position and retractable to position the footrest in a stowed position, a leg exercising station that includes a pedal assembly having a pair of pedals configured for rotational

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movement, a dampening mechanism adapted to adjustably resist the rotational movement of the pedals and a floor support adapted to fold and unfold, and an arm exercise station having reciprocating handles, wherein when the footrest support structure is extended, the floor support unfolds downwardly and forwardly to provide a supplementary support structure for the footrest and pedal assembly, and the footrest is pivoted upwardly and forwardly to raise up the pedal assembly so that the user can exercise by rotating the pedals and/or moving the handles.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

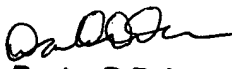
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam Nguyen whose telephone number is 571-272-4979. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 571-272-4778. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 27, 2005


Danton D. DeMille
Primary Examiner